

Article - Criminal Law

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§5–618.

(a) Except as authorized in this title, a person may not possess or purchase a noncontrolled substance that the person reasonably believes is a controlled dangerous substance.

(b) To determine if a person has violated this section, the court shall include in its consideration:

(1) whether the noncontrolled substance was packaged in a manner normally used to illegally distribute a controlled dangerous substance;

(2) if the noncontrolled substance was purchased, whether the amount of the consideration was substantially greater than the reasonable value of the noncontrolled substance; and

(3) whether the physical appearance of the noncontrolled substance is substantially identical to that of a controlled dangerous substance.

(c) It is not a defense to a prosecution under this section that the substance a person possessed or purchased was not a controlled dangerous substance if the person reasonably believed that it was a controlled dangerous substance.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

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